

Serial No. 10/680,904
Attorney Docket No. 300250-40004C
Amendment After Final

REMARKS

Claims 16, 18, 21 and 28 have been amended. Claim 17 has been canceled.

The Examiner rejected claims 16-20, 22-25, 31 and 32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6 and 7 of U.S. Patent No. 6,688,515 (the '515 patent). A terminal disclaimer is submitted herewith, thereby obviating the rejection.

In support of the Examiner's rejection of claims 16-20, 22-25, 31 and 32 under the judicially created doctrine of obviousness-type double patenting, the Examiner suggested that claims 16-20, 22-25, 31 and 32 of the present application are "narrower than claims 1-3, 6 and 7 of the ['515] patent." Office action, p.2. Applicants respectfully object to the suggestion that the claims of the present application are "narrower" than the claims of the '515 patent. Applicants note that the present invention is defined by the claims and make no admission or assertion that the claims of the present application are "narrower" than the claims of the '515 patent. The public is hereby placed on notice that the claims of any patent issuing on the present application shall not be limited by the Examiner's "narrower" suggestion, as each claim is defined by its own terms and will be asserted and enforced as broadly as written.

The Examiner rejected claims 16, 31 and 32 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,098,874 to Tokarski (the '874 patent). The Examiner indicated that claim 17 was allowable if written in independent form. Accordingly, claim 16 was rewritten to include the limitations of claim 17, thereby rendering the examiner's art rejection moot.

In light of the foregoing, the Examiner's rejections of claims 16-20, 22-25, 31 and 32 under the judicially created doctrine of obviousness-type double patenting and claims 16, 31 and 32 under 35 U.S.C. § 102(a) are respectfully traversed. It is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

The applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees

Serial No. 10/680,904
Attorney Docket No. 300250-40004C
Amendment After Final

required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'V. Wasylyna', written over a horizontal line.

Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6812

373800.1